

Department of Permits and Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204  
Baltimore County, Maryland

In the Matter of  
  
Linda L. Johnson  
  
Respondent

Civil Citation No.77371  
  
1313 Monkton Road

FINDINGS OF FACT AND CONCLUSIONS OF LAW  
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on August 18, 2010 for a Hearing on a citation for violations under the Baltimore County Zoning Regulations (BCZR) section 428; Baltimore County Code (BCC) section 13-7-312, failure to cease the outside storage of unlicensed motor vehicle, failure to cease the accumulation of debris, material etc. on residential property known as 1313 Monkton Road, 21111.

On August 2, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Robyn Clark issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1<sup>st</sup> class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$1,000.00 (one thousand dollars).

The following persons appeared for the Hearing and testified: Raymond Miller, current owner and son of Linda Miller (deceased) and, Robyn Clark, Baltimore County Code Enforcement Officer.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on May 17, 2010 for removal of untagged/inoperative motor vehicles, remove trash and debris, obtain permit, to keep construction equipment on property and use large dumpster a permit must be issued. This Citation was issued on August 2, 2010.

B. Inspector Robyn Clark testified that her initial inspection of this property following receipt of a complaint from the County Councilman's office found untagged vehicles, open dump conditions, debris, and a large dumpster. In June 2010, a building permit was obtained and some work was being done. Re-inspection the day before this Hearing found one untagged van and a large pile of wood.

C. Raymond Miller testified that he is the son of Respondent Linda Johnson, who is deceased, and that he now owns the property. He testified that the untagged van will be gone by the end of the week. He further testified that the large pile of wood will be cut and stacked by the end of September, and that he will use it for firewood.

D. County zoning regulations prohibit the outside storage of inoperative motor vehicles on a residential lot. BCZR Section 428.1(A). The outside storage of unlicensed motor vehicles is also prohibited, except for one vehicle per dwelling unit for a period not exceeding 15 days in any calendar year. Section 428.1(B). Respondent has exceeded this limitation. Respondent must put valid tags on the vehicle and make it operable, or remove it from the property.

E. Photographs in the file show some junk and debris, but also show that much cleanup has been done. The pile of wood must be properly stacked and elevated. County law prohibits the accumulation of bricks or other materials that is conducive to rat harborage, and requires such materials to be evenly piled or stacked on open racks that are elevated at least 18 inches above the ground. BCC Section 13-7-312.

F. Because compliance is the goal of code enforcement, and Mr. Miller has obtained the required building permit and is making progress in correcting the code violations, the civil penalty will be rescinded if the remaining violations are corrected within the time provided below.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$500.00 (five hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be RESCINDED and reduced to zero dollars if the violations are corrected by October 12, 2010.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 20<sup>th</sup> day of August 2010

Signed: ORIGINAL SIGNED  
Margaret Z. Ferguson  
Baltimore County Hearing Officer

**NOTICE TO RESPONDENT:** The Respondent is advised that (1) pursuant to §3-6-206(g)(2) of the Baltimore County Code, the Respondent may make written application to the Director of the Department of Permits & Development Management within 10 days to modify or amend this order and (2) pursuant to §3-6-301(a), Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security to satisfy the penalty assessed.